

THE THIRTY-FOURTH LEGISLATURE OF AMERICAN SAMOA

Fourth Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa

on Monday, the eleventh day of July

two thousand and sixteen

AN ACT ALLOWING POLICE OFFICERS TO TICKET DRIVERS OR THE REGISTERED OWNER OF VEHICLES UNLAWFULLY PARKED IN DISABLED PARKING STALLS; AUTHORIZING THE OFFICE OF PROTECTION AND ADVOCACY TO ISSUE TICKETS AND IMPOSING NEW PENALTIES; AMENDING SECTIONS 22.0321 AND 22.0807 A.S.C.A.

Preamble:

WHEREAS, parking stalls designated for disabled individuals is required by law and a crucial benefit to facilitate access to public spaces; and

WHEREAS, the Office of Protection and Advocacy for the Disabled recently promulgated new rules to ensure disabled parking stalls are uniform and regulated; and

WHEREAS, at times it is difficult to readily find drivers who unlawfully park in disabled parking stalls, this amendment will allow police officers the ability to ticket the registered owner of the vehicle to deter this activity; and

WHEREAS, enforcement is lacking because of weak and unclear statutes and lacking manpower.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 22.0321 is amended to read:

“22.0321 Stopping or parking near fire station or hydrant--Parking for disabled persons.

(a) No person may stop or park any vehicle, or leave it standing, in front of a fire station or within 15 feet of a fire hydrant except when such vehicle is attended by a licensed operator or chauffeur who is seated in the front seat and who can immediately move such vehicle in case of necessity.

(b) No person may park a vehicle in a space designated for vehicles of disabled persons unless the vehicle so parked exhibits on the said vehicle a disabled person's sticker properly issued by the Office of Protection and Advocacy, and at the time it is so parked was driven by or transporting such disabled person. ~~A person who violates this subsection shall be guilty of a Class C misdemeanor and shall be punished accordingly.~~

(1) Any police officer may issue a citation to the driver of the vehicle in violation of this statute or, if the driver is not readily available or identifiable, the registered owner of the vehicle.

(2) Pursuant to A.S.C.A. 22.0808, notice is satisfied by delivering a copy of the summons to the defendant or by affixing a copy thereof to the outside of the vehicle's front windshield if unoccupied.

(3) In addition to police officers, the Director of the Office of Protection and Advocacy may authorize his employees to issue citations to violators of this subsection, provided that any person so authorized has the training and experience necessary to perform the job as determined in consultation with the Attorney General.

(c) A violation of this section is an infraction punishable under the following schedule of mandatory fines:

<u>First offense</u>	<u>\$100.00 fine;</u>
<u>Second offense</u>	<u>\$200.00 fine;</u>
<u>Third offense</u>	<u>\$300.00 fine.</u>

Sec 2. 22.0807 is amended to read:

“22.0807 Uniform traffic ticket and complaint-summons.

(a) In the event of any violation of a provision of this title resulting in a misdemeanor or an infraction, proceedings may be instituted by the serving of a summons upon the violator.

(b) The summons shall be signed by a police officer of American Samoa and shall be substantially in the form known as the “Uniform Traffic Ticket and Complaint-Summons”.

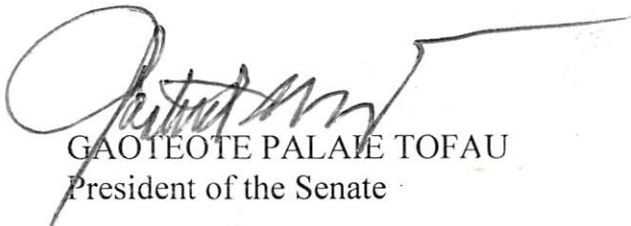
(c) When enforcing A.S.C.A. 22.0321(b) the summons shall be signed by police officers of American Samoa or authorized employees from the Office of Protection and Advocacy and shall be substantially in the form known as the "Uniform Traffic Ticket and Complaint-Summons".

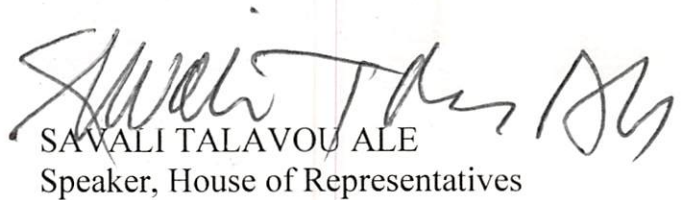
(e)(d) No code section need be specified in the summons in any case in which the charged violation is specifically designated through the use of indicated boxes provided on the uniform ticket and complaint.

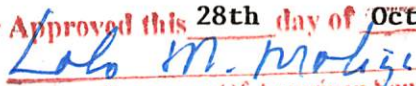
(d)(e) The summons may contain other information pertinent to the charged offense and such forms for appearance, plea and waiver as are necessary under 22.0815 et seq."

Sec 3. Effective date.

In accordance with Article II, Section 19 of the Revised Constitution of American Samoa, this bill shall become effective 60 days after the end of the session at which it has been passed.


GAOTEOTE PALAME TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 28th day of October 20 16

Governor Of American Samoa

NOFOAIGA TOLUSEFULU- FA FONOFAITULAFONO A AMERIKA SAMOA

FONO TELE LONA FA

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa

Aso Gafua, Aso Sefulutasi o Iulai

Lua Afe Sefulu Ono

O SE PILI MO SE TULAFONO O SE TULAFONO E FAATAGAINA AI ALII MA TAMAITAI LEOLEO LATOU TE MOLIA AI FAALETULAFONO AVETAAVALE, MA I LATOU Ë ANA TAAVALE E LE O FAATAGAINA ONA PAKA I PAKAGA UA FAAPITOA MO E GASEGASE, MA I LATOU O IAI MANA'OGA FAAPITOA O LE TINO MA LE MAFAUFAU; IA TUUINA ATU FOI MA LE FAATANAGA I LE OFISA O LE PUIPUIGA MA PULUVAGA LATOU TE MOLIA MA FAAEE IAI NI FAASALAGA FOU; SUIA AI MAGA 22.0321 MA LE 22.0807 T.T.A.S.”

Fa'atomuaga:

TALUAI, o pakaga ua uma ona faatulaga mo i latou e gasegase ma iai mana'oga faapitua, ua faatulaga e le tulafono le moomia ma le taua, mo le manuia ma le faigofie ona faafioa'i o i latou i nofoaga faitele; ma

TALUAI, o le Ofisa o le Puipuiga ma Puluvaaga, mo e o loo iai mana'oga faapitua i le taimi nei, latou te faailoa atu ma faamalosi tulafono fou, ina ia mautinoa o nei pakaga ua talafeagai ma malu puipuia lelei; ma

TALUAI, e tele taimi e lē faigofie ai ona maua avetaavale ma taavale o loo paka i pakaga mo e o iai mana'oga faapitua, ae faigata ona faatino se galuega. A'o le teuteuina o lenei tulafono, o le a faatagaina ai leoleo latou te molia faaletulafono nei taavale ma aveta'avale o loo aafia i nei faiga; ma

TALUAI, e lē o lava se malosi e faamalosi ai lenei tulafono, ona o le vaivai ma le lē manino o le malosiaga e faatino ai le galuega a le 'aufaigaluega.

IA FAATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1. 22.0321 ua suia e faitauina:

22.0321 O le Faatu poo le Paka i tafatafa o nofoaga e tinei ai le afi, poo paipa-vai e tinea ai afi—Paka mo tagata o iai mana'oga faapitoa.

(a) Ia leai se tagata e faatu, pe paka se taavale, pe tuu ai foi, i luma ane o le nofoagao tautua tineaifi, poo i totonu o le 15 futu mai se paipa-vai e tinea ai le afi, vagana se avetaavale ua laiseneina o loo alaala i le nofoa i luma, na te mafaia ona faagaoioi ese le taavale i taimi ua mana'omia ai.

(e) Ia leai se tagata na te pakaina se taavale i se avanoa ua faapitoa mo e o loo iai mana'oga faapitoa, vagana se taavale ua faatagaina faaletulafono, ma se taavale o iai se faailo mo se tasi o iai mana'oga faapitoa, sa tuuina mai e le Ofisa o le Puipuiga ma Puluvaaga, ma ia mauiina o loo feavea'i ai pe fealua'i ai foi le tagata lea o loo aafia i mana'oga faapitoa. ~~O le tagata na te solia lenei vaega o le tulafono, e faasalaina i le vaega o faasalaga mama, ma faasalaina i se sala talafeagai e tatau ai.~~

(1) Soo se leoleo na te tuuina atu se moliaga i se avetaavale o se taavale ua solia lenei vaega o le tulafono, poo le avetaavale ua le maua pe ua le avanoa, ia tuuina atu i le tagata e ana le taavale

(2) Ina ia tusa ai ma le T.T.A.S. 22.0808, ia faamalieina lea i le tuuina atu o se kopi o le moliaga i le ua aafia, poo le faapipi'i foi o se kopi i fafo i luma o le fa'ata tele o le taavale, pe afai e le o iai se tasi i le taavale i lea taimi.

(3) Ia faaopopo atu i alii ma tama'ita'i leoleo, le Faatonu sili o le Ofisa o Puipuiga ma Puluvaaga, le tuuina atu o le malosi e faatagaina ai lana 'aufaigaluega, latou te molia ai tagata, o loo solia lenei vaega o le tulafono, o le aufaigaluega foi lea ua uma ona a'oa'oina lelei ma ua iai le silafia, latou te faatinoina ai lenei galuega, pei ona fesoota'i atu ma le Loia Sili.

(i) O le solia o lenei vaega o le tulafono, e faasalaina i lalo o faasalaga ua uma ona faatulagaina:

<u>Moliaga Muamua</u>	<u>\$100.00 le sala;</u>
<u>Moliaga Lua</u>	<u>\$200.00 le sala;</u>
<u>Moliaga Tolu</u>	<u>\$300.00 le sala"</u>

Maga 2. 22.0807 ua suia e faitauina:

"22.0807 Pepa molia o femalagaiga tutusa(tickets) ma tagi-samania.

(a) I tulaga o soo se solitulafono i aiaiga o lenei ulutala, e mafua mai i se solitulafono mama, poo se solitulafono mauualalo o taualumaga e mafai ona faatulaga, e ala i le tuuina atu o samania i le tagata solitulafono.

(e) O samania e ao ona sainia e se alii poo se tama'ita'i leoleo o Amerika Samoa, ma ia faataunuu tonu i pepa ua faaigoa o "Moliaga o Femalagaiga tutusa ma Tagi-Samania".

(i) Ina ia faamalosiā le T.T.A.S. 22.0321(e) o samania e ao ona sainia e se alii poo se tama'ita'i leoleo o Amerika Samoa, poo le afaigaluega ua faatagaina mai le Ofisa o PuiPuiga ma PuluVaga, ma ia faataunuu tonu i le pepa ua faaigoa o "Moliaga o Femalaga'iga tutusa ma Tagi-Samania".

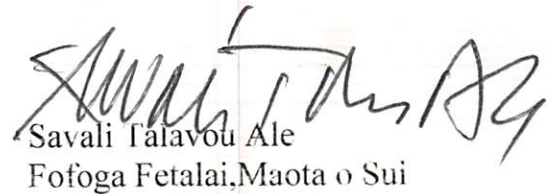
(i)(o) E le mana'omia se vaega o le tulafono e faailoa i le samania i soo se tagi, poo se tulafono ua aafia ai ua faasino ma'oti e ala i le fa'aaogaina o pusa ua ta'ua ma saunia i moli'aga tutusa o tagi.

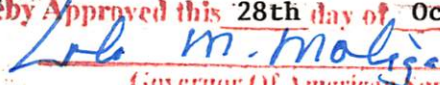
(o)(u) O samania e mafai ona aafia ai ma isi faamatalaga e faatatau i le solitulafono ua aafia ai, faapea ma pepa mo le 'auai, o tali ma ala e faagafua ai, e mana'omia i lalo o le 22.0815 ma isi

Maga 3. Aso e taualua ai.

Ina ia tusa ai ma le Vaega II, Maga 19 o le Faavae Toe Teuteu o Amerika Samoa, o le a taualua leni pili i totonu o le 60 aso talu ona mae'a le tauaofiaga sa pasia ai.


Gaoteote Palaie Tofau
Peresetene, Maota Maualuga


Savali Galavou Ale
Fofoga Fetala'i, Maota o Sui

Hereby Approved this 28th day of October 2016

Governor Of American Samoa



LOLO M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT
Telephone: (684) 633-4116 Fax: (684) 633-2269

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

October 28, 2016

Serial No: 653

Honorable Gaoteote Pala'ie Tofau
President of the Senate
Legislature of American Samoa
Pago Pago, American Samoa 96799

Dear Mr. President:

I have today signed into law S.B. 34-27, "AN ACT ALLOWING POLICE OFFICERS TO TICKET DRIVERS OR THE REGISTERED OWNER OF VEHICLES UNLAWFULLY PARKED IN DISABLED PARKING STALLS, AUTHORIZING THE OFFICE OF PROTECTION AND ADVOCACY TO ISSUE TICKETS AND IMPOSING NEW PENALTIES; AMENDING SECTIONS 22.0321 AND 22.0807 A.S.C.A."

This is an important piece of legislation benefitting our disabled population, who are the only people entitled by law to make use of disabled parking spaces. Unfortunately, enforcement under existing law has been difficult. Before the changes adopted by S.B. 34-27, only Department of Public Safety officers could enforce the law, and only as to the drivers of the offending vehicles, who often are nowhere to be found.

This Bill extends enforcement authority to staff of the Office of Protection and Advocacy for the Disabled. This will enable that office to focus on the issue without pulling DPS resources away from their other law enforcement responsibilities. Also, it allows tickets to be issued to the vehicle owners if the vehicle driver cannot be located. This will increase the accountability of the owners for the responsible use and parking of their vehicles.

My gratitude goes out to you and your colleagues for your work on this important bill.

Sincerely,

A handwritten signature in cursive script, reading "Lolo M. Moliga". The signature is written in black ink and is positioned above the printed name of the Governor.

LOLO M. MOLIGA
Governor

cc: Lieutenant Governor
Director, Office of Protection and Advocacy for the Disabled
Commissioner of Public Safety



LOLO M. MOLIGA
GOVERNOR

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LEMANU P. MAUGA
LIEUTENANT GOVERNOR

October 28, 2016

Serial No: 654

Honorable Savali Talavou Ale
Speaker of the House of Representatives
Legislature of American Samoa
Pago Pago, American Samoa 96799

Dear Mr. Speaker:

I have today signed into law S.B. 34-27, "AN ACT ALLOWING POLICE OFFICERS TO TICKET DRIVERS OR THE REGISTERED OWNER OF VEHICLES UNLAWFULLY PARKED IN DISABLED PARKING STALLS, AUTHORIZING THE OFFICE OF PROTECTION AND ADVOCACY TO ISSUE TICKETS AND IMPOSING NEW PENALTIES; AMENDING SECTIONS 22.0321 AND 22.0807 A.S.C.A."

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Sincerely,


LOLO M. MOLIGA
Governor

cc: Lieutenant Governor
Director, Office of Protection and Advocacy for the Disabled
Commissioner of Public Safety